

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

QUANTLAB TECHNOLOGIES LTD.
(BVI) AND QUANTLAB FINANCIAL,
LLC,

Plaintiffs,

V.

VITALIY GODLEVSKY, ANDRIY
KUHARSKY, ANNA MARAVINA, PING
AN, EMMANUEL MAMALAKIS, AND
SXP ANALYTICS, LLC,

Defendants. .

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CIVIL ACTION NO. H-09-4039

## JURY DEMANDED

**PLAINTIFFS' FIRST REQUESTS FOR ADMISSION  
TO DEFENDANT SXP ANALYTICS, LLC**

To: Defendant SXP Analytics, LLC, by and through its attorneys of record, James J. Cleary, Jr., MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P., 808 Travis, Suite 1800, Houston, Texas 77002 and David G. Hanson, Mark Cameli, and Amy L. Lindner, REINHART BOERNER VAN DEUREN, S.C., 1000 North Water Street, Suite 1700, Milwaukee, Wisconsin 53202

Pursuant to Federal Rule of Civil Procedure 36, Plaintiffs Quantlab Technologies Ltd. (BVT) and Quantlab Financial, LLC (collectively, “Quantlab”) serve the following requests for admission on Defendant SXP Analytics, LLC (“SXP”). The requests for admission shall be answered within thirty (30) days after service.

## DEFINITIONS

The following definitions apply to Quantlab's First Requests for Admission:

1. "Person" means any natural person, firm, partnership, corporation, unincorporated association, organization, governmental body, cooperative or other form of legal entity.
2. "You" or "your" and "SXP" refer to Defendant SXP Analytics, LLC, its

subsidiaries, affiliates, and any or all persons acting or purporting to act on behalf of SXP with respect to the subject matter of this lawsuit, including without limitation Emmanuel Mamalakis and Vitaliy Godlevsky.

3. “Quantlab” refers to Quantlab Financial, LLC, and Quantlab Technologies Ltd. (BVI) collectively and any or all persons acting or purporting to act on behalf of Quantlab with respect to the subject matter of this lawsuit.

4. “Godlevsky” refers to Defendant Vitaliy Godlevsky and any or all persons acting or purporting to act on behalf of Godlevsky with respect to the subject matter of this lawsuit.

5. “Kuharsky” refers to Defendant Andriy Kuharsky and any or all persons acting or purporting to act on behalf of Kuharsky with respect to the subject matter of this lawsuit.

6. “An” refers to Defendant Ping An, and any or all persons acting or purporting to act on behalf of An with respect to the subject matter of this lawsuit.

7. “Maravina” refers to Defendant Anna Maravina, and any or all persons acting or purporting to act on behalf of Maravina with respect to the subject matter of this lawsuit.

8. “Mamalakis” refers to Defendant Emmanuel Mamalakis and any or all persons acting or purporting to act on behalf of Mamalakis with respect to the subject matter of this lawsuit.

9. “High frequency trading” means buying and selling the same security on the same day or intraday trading.

10. “Trading strategies” means strategies for applying mathematical models, statistical models, or other analytical tools to identify market mispricings, deviations from statistical pricing patterns, market anomalies arising from supply and demand imbalances, or other factors that may allow a person to forecast what the price of various financial instruments will be in the future.

11. "Trading technology" means software (i.e., computer code) and/or hardware configurations that are used to implement trading strategies and execute trades.

12. "Automated trading" means using trading strategies that are reduced to mathematical formulas and algorithms and then translated into machine-readable executable code so that the buy/sell decisions are made by computers.

13. "Quantlab documents" means and includes any paper or electronic memorandum, item of correspondence, or a file relating to automated trading that was created by a Quantlab employee during the timeframe that he or she was employed by Quantlab.

14. "Computer code" means either source code or machine-readable executable code or both.

#### **QUANTLAB'S FIRST REQUESTS FOR ADMISSION TO SXP**

**Request No. 1:** SXP is engaged in the business of automated trading of financial instruments.

**Request No. 2:** SXP is engaged in high frequency trading.

**Request No. 3:** SXP has one or more automated trading strategies.

**Request No. 4:** SXP considers its automated trading strategies to be confidential.

**Request No. 5:** SXP incorporates one or more automated trading strategies to computer software.

**Request No. 6:** SXP considers its automated trading strategies to be trade secrets.

**Request No. 7:** SXP develops source code to implement automated trading strategies.

**Request No. 8:** SXP turns this source code into executable code to implement automated trading strategies.

**Request No. 9:** SXP considers its source code to be confidential.

**Request No. 10:** SXP considers its executable code to be confidential.

**Request No. 11:** SXP considers its source code to be a trade secret.

**Request No. 12:** SXP considers its executable code to be a trade secret.

- Request No. 13:** Quantlab possesses confidential information and trade secrets related to high frequency trading.
- Request No. 14:** SXP has, at some point in time, possessed property belonging to Quantlab.
- Request No. 15:** SXP has, at some point in time, possessed Quantlab documents.
- Request No. 16:** SXP has, at some point in time, possessed computer code belonging to Quantlab.
- Request No. 17:** Godlevsky, Kuharsky and Mamalakis agreed to start SXP.
- Request No. 18:** Godlevsky contributed at least \$80,000 to SXP in 2007.
- Request No. 19:** Kuharsky contributed at least \$80,000 to SXP in 2007.
- Request No. 20:** Kuharsky worked for SXP in part of 2007.
- Request No. 21:** Kuharsky worked for SXP in part of 2008.
- Request No. 22:** Kuharsky ceased working for SXP prior to March 1, 2008.
- Request No. 23:** Kuharsky ceased working for SXP prior to April 1, 2008.
- Request No. 24:** Godlevsky provided to SXP computer code that was developed at Quantlab.
- Request No. 25:** Godlevsky has used computer code belonging to Quantlab in his work for SXP.
- Request No. 26:** In performing his work for SXP, Godlevsky has used computer code that was developed at Quantlab.
- Request No. 27:** Godlevsky provided Quantlab documents to SXP.
- Request No. 28:** Godlevsky disclosed Quantlab documents to SXP.
- Request No. 29:** Godlevsky has used Quantlab documents in his work for SXP.
- Request No. 30:** Kuharsky provided to SXP computer code that was developed at Quantlab.
- Request No. 31:** Kuharsky used computer code belonging to Quantlab in his work for SXP.
- Request No. 32:** Kuharsky provided Quantlab documents to SXP.
- Request No. 33:** Kuharsky disclosed Quantlab documents to SXP.
- Request No. 34:** Kuharsky has used Quantlab documents in his work for SXP.

- Request No. 35:** Kuharsky ran data deletion software on his SXP computer prior to leaving his position with SXP.
- Request No. 36:** Some of the computer code used by SXP in its automated trading business is computer code that was developed at Quantlab.
- Request No. 37:** Some of the computer code used by SXP in its automated trading business is derived from computer code that was developed at Quantlab.
- Request No. 38:** SXP has never received Quantlab's authorization to use Quantlab's computer code in SXP's automated trading business.
- Request No. 39:** SXP has never received Quantlab's authorization to use computer code derived from Quantlab's computer code in SXP's automated trading business.
- Request No. 40:** SXP has never received Quantlab's authorization to use Quantlab's property in SXP's automated trading business.
- Request No. 41:** SXP has earned profits from its automated trading business.
- Request No. 42:** Mamalakis has shared in SXP's monetary profits from its automated trading business.
- Request No. 43:** Godlevsky has shared in SXP's monetary profits from its automated trading business.
- Request No. 44:** Kuharsky has shared in SXP's monetary profits from its automated trading business.
- Request No. 45:** SXP is a competitor of Quantlab in the automated trading industry.
- Request No. 46:** The United States Attorney's office has never stated to SXP that no Quantlab property was found on the SXP computers seized by the FBI on or about March 5, 2008.
- Request No. 47:** The Federal Bureau of Investigation ("FBI") has never stated to SXP that no Quantlab property was found on the SXP computers seized by the FBI on or about March 5, 2008.
- Request No. 48:** No government agency has ever stated to SXP that no Quantlab property was found on the SXP computers seized by the FBI on or about March 5, 2008.
- Request No. 49:** The FBI has interviewed SXP employees regarding the alleged theft of Quantlab property.
- Request No. 50:** The FBI has interviewed SXP officers regarding the alleged theft of Quantlab property.


- Request No. 51:** The FBI has taken written statements of SXP employees regarding the alleged theft of Quantlab property.
- Request No. 52:** The FBI has taken written statements of SXP officers regarding the alleged theft of Quantlab property.
- Request No. 53:** SXP has been informed by the United States Attorney or the FBI that Quantlab's computer code was found on SXP computers seized by the FBI on or about March 5, 2008.
- Request No. 54:** Godlevsky called An on behalf of SXP to discuss the possibility of An going to work for SXP.
- Request No. 55:** SXP made an offer of employment to An in 2007.
- Request No. 56:** An performed work for SXP related to SXP's automated trading business.
- Request No. 57:** An developed computer software for SXP.
- Request No. 58:** An provided to SXP computer code that was developed at Quantlab.
- Request No. 59:** In performing her work for SXP, An used computer code belonging to Quantlab.
- Request No. 60:** In performing her work for SXP, An developed computer code derived from computer code belonging to Quantlab.
- Request No. 61:** An provided Quantlab documents to SXP.
- Request No. 62:** An disclosed Quantlab documents to SXP.
- Request No. 63:** An has used Quantlab documents in her work for SXP.
- Request No. 64:** On behalf of SXP, Mamalakis asked Kuharsky to have Maravina provide Quantlab computer code to SXP.
- Request No. 65:** On behalf of SXP, Mamalakis asked Kuharsky to have Maravina provide reports of Quantlab's research results to SXP.
- Request No. 66:** Maravina provided Quantlab computer code to SXP.
- Request No. 67:** Maravina provided reports of Quantlab's research results to SXP.
- Request No. 68:** Kuharsky has discussed Quantlab's trading strategies with officers of SXP.
- Request No. 69:** Kuharsky has discussed Quantlab's trading strategies with SXP employees.
- Request No. 70:** Godlevsky has discussed Quantlab's trading strategies with officers of SXP.

- Request No. 71:** Godlevsky has discussed Quantlab's trading strategies with SXP employees.
- Request No. 72:** Mamalakis has discussed Quantlab's trading strategies with officers of SXP.
- Request No. 73:** Mamalakis has discussed Quantlab's trading strategies with SXP employees.
- Request No. 74:** An has discussed Quantlab's trading strategies with officers of SXP.
- Request No. 75:** An has discussed Quantlab's trading strategies with SXP employees.
- Request No. 76:** Kuharsky has discussed Quantlab's computer code with officers of SXP.
- Request No. 77:** Kuharsky has discussed Quantlab's computer code with SXP employees.
- Request No. 78:** Godlevsky has discussed Quantlab's computer code with officers of SXP.
- Request No. 79:** Godlevsky has discussed Quantlab's computer code with SXP employees.
- Request No. 80:** Mamalakis has discussed Quantlab's computer code with officers of SXP.
- Request No. 81:** Mamalakis has discussed Quantlab's computer code with SXP employees.
- Request No. 82:** An has discussed Quantlab's computer code with officers of SXP.
- Request No. 83:** An has discussed Quantlab's computer code with SXP employees.
- Request No. 84:** SXP has earned more than \$5000 by using Quantlab's computer code in SXP's automated trading business in 2007.
- Request No. 85:** SXP has earned more than \$5000 by using Quantlab's computer code in SXP's automated training business in 2008.
- Request No. 86:** SXP has copied portions of Quantlab's computer code for use in SXP's automated trading business.
- Request No. 87:** Prior to hiring An, SXP knew that An had signed a Confidential Information and Inventions Agreement as a condition of her employment with Quantlab.
- Request No. 88:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted Kuharsky with Quantlab's confidential and proprietary information.
- Request No. 89:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted Kuharsky with Quantlab's trade secrets.
- Request No. 90:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted Godlevsky with Quantlab's confidential and proprietary information.



- Request No. 91:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted Godlevsky with Quantlab's trade secrets.
- Request No. 92:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted Maravina with Quantlab's confidential and proprietary information.
- Request No. 93:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted Maravina with Quantlab's trade secrets.
- Request No. 94:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted An with Quantlab's confidential and proprietary information.
- Request No. 95:** At the time SXP was formed, the officers of SXP knew that Quantlab had entrusted An with Quantlab's trade secrets.
- Request No. 96:** At the time SXP was formed, the officers of SXP knew that Kuharsky had signed a Proprietary Information Agreement as a term and condition of his employment with Quantlab.
- Request No. 97:** At the time SXP was formed, the officers of SXP knew that Godlevsky had signed a Proprietary Information Agreement as a term and condition of his employment with Quantlab.
- Request No. 98:** At the time SXP was formed, the officers of SXP knew that Maravina had signed a Proprietary Information Agreement as a term and condition of her employment with Quantlab.
- Request No. 99:** SXP has stored computer code belonging to Quantlab on SXP's computers.
- Request No. 100:** Maravina accessed Quantlab's computers on behalf of SXP while she was employed by Quantlab.
- Request No. 101:** Maravina provided Quantlab documents to SXP.
- Request No. 102:** Maravina disclosed Quantlab documents to SXP.
- Request No. 103:** Maravina has used Quantlab documents in her work for SXP.
- Request No. 104:** An accessed Quantlab's computers on behalf of SXP while she was employed by Quantlab.

Respectfully submitted,

 FOR AHN

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**CERTIFICATE OF SERVICE**

I hereby certify that, on April 13, 2010, I served the foregoing Plaintiffs' First Requests for Admission to Defendant SXP Analytics, LLC on the following counsel of record

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